



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,677	03/01/2004	Harry K. Smith	16239-07751	2599
758 7590 04/30/2008 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER				
CHANG, JUNGWON				
ART UNIT		PAPER NUMBER		
2154				
MAIL DATE		DELIVERY MODE		
04/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,677

Applicant(s)

SMITH ET AL.

Examiner

JUNGWON CHANG

Art Unit

2154

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,7-9,14-16 and 21 is/are rejected.
- 7) ☐ Claim(s) 3-6,10-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action in response to amendment filed on 2/14/08. Claim 1 has been canceled, and new claims 2-21 have been added. Claims 2-21 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al, (US 2003/0212765), hereinafter Takeuchi, in view of Cano et al, (US 2005/0278726), hereinafter Cano, further in view of Gao et al, (US 2002/0032701), hereinafter Gao.

4. As to claims 2 and 16, Takeuchi discloses the invention as claimed, including a method for providing continuous real-time data across a network, the method comprising:

monitoring one or more data streams from one or more data sources (page 1, 0009, "prevent the underflow or overflow");
building a first user queue for the first user by selectively including data of the

Art Unit: 2154

one or more data streams in the first user queue, the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user (fig. 5; page 4, 0069-0072 "the partial stream data entry 802 stores stream data to be transferred at that time...extracts only part of the undelivered data"); and

delivering data in the first user queue to the first user (fig. 5; page 4, 0073, "stream data delivered to the client").

5. Although Takeuchi discloses identifying the user and registering the user's request that are the processing of authorizing the user, Takeuchi does not specifically disclose authorizing a first user to access the one or more data streams responsive to authenticating the first user. Cano discloses authorizing a first user to access the one or more data streams responsive to authenticating the first user (page 7, 0074-0075, "authenticates the client"; page 12, 0129, "client handler"). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takeuchi and Cano because Cano's authorization and authentication the user would ensure only authorized clients to receive update messages from the server, as taught by Cano (page 12, 0129).

6. Takeuchi discloses delivering data in the first user queue to the first user. However, Takeuchi does not specifically disclose delivering data responsive to receiving

a refresh request from the first user. Gao discloses delivering data responsive to receiving a refresh request from the first user (page 2, 0015). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takeuchi and Gao because Gao's teaching would reduce the amount of data to be transferred between client and server if refresh requests could be processed by delivering only the updated portions of a Web page, as taught by Gao in 0015.

7. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. As to claim 7, Takeuchi does not specifically disclose assembling a web page including the data in the first user queue. Gao discloses assembling a web page including the data in the first user queue (page 2, 0018-0019, "assembling"; page 3, 0035). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takeuchi and Gao because Gao's teaching would provide a quick, efficient of assembling all elements of a web page for display, as taught by Gao in 0019.

9. As to claim 8, it is rejected for the same reasons set forth in claim 2 above.

Art Unit: 2154

10. As to claim 9, it is rejected for the same reasons set forth in claim 2 above.

In addition, Takeuchi discloses a web server (201, fig. 13) and a data retrieval engine (202, fig. 13).

11. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. As to claim 14, Takeuchi does not specifically disclose assembling a web page including the data in the first user queue. Gao discloses assembling a web page including the data in the first user queue (page 2, 0018-0019, "assembling"; page 3, 0035). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takeuchi and Gao because Gao's teaching would provide a quick, efficient of assembling all elements of a web page for display, as taught by Gao in 0019.

13. As to claim 15, it is rejected for the same reasons set forth in claim 9 above.

14. Claims 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. As to claim 21, Takeuchi does not specifically disclose assembling a web page

including the data in the first user queue. Gao discloses assembling a web page including the data in the first user queue (page 2, 0018-0019, "assembling"; page 3, 0035). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Takeuchi and Gao because Gao's teaching would provide a quick, efficient of assembling all elements of a web page for display, as taught by Gao in 0019.

Conclusion

16. Applicant's arguments with respect to claims 2-21 have been considered but are moot in view of the new ground(s) of rejection.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

Art Unit: 2154

than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNGWON CHANG whose telephone number is (571)272-3960. The examiner can normally be reached on M-F 6:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUNGWON CHANG/
Primary Examiner, Art Unit 2154
April 27, 2008